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NOTIFICATION.

Order No. L.D. 2238—Legis. 74-51-1, dated Bangalore, 1st March 1952.

Ordered that the accompanying Mysore Race-Courses Licensing Act, 1952, which received the assent of His Highness the Maharaja, on the 21st day of February 1952 be published as Mysore Act No VIII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. VIII OF 1952.

THE MYSORE RACE-COURSES LICENSING ACT, 1952.

(Received the assent of His Highness the Maharaja on the Twenty-first day of February, 1952.)

An Act to provide for the licensing of Race-Courses in the State of Mysore.

WHEREAS it is expedient to make provision for the licensing, regulation, control and management of horse-racing on race-courses and all matters connected therewith in the State of Mysore; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Race-Courses Licensing Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act,— Definitions.

(1) "Government" means the State Government;

(2) "horse-race" means any race in which any horse, mare or gelding runs, or is made to run, in competition with any other horse, mare or gelding for any prize of whatsoever nature or kind, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present;

(3) "licence" means a licence granted under section 4 of this Act;

(4) "licensee" means a person licensed under section 4 of this Act;

(5) "permit" means a permit granted to a book-maker under sub-section (4) of section 4 of this Act;

(6) "prescribed" means prescribed by rules made under this Act;

(7) "race-course" means any ground on which a horse-race can be held.

Prohibition of horse-racing on unlicensed race-courses.

3. No horse-race shall be held save on a race-course for which a licence for horse-racing granted in accordance with the provisions of this Act, is in force.

Licences for horse-racing.

4. (1) The owner, lessee or occupier of any race-course may apply to the Government for a licence for horse-racing on such race-course.

(2) The Government may withhold such licence or grant it subject to such conditions and for such period as they may think fit.

(3) In particular and without prejudice to the generality of the foregoing power, such conditions may provide for—

(*a*) the payment of a licence fee;

(*b*) the maintenance of such accounts and furnishing of such returns as are required by the Betting Tax Act, 1932;

(*c*) the amount of stakes which may be allotted for different kinds of horses;

(*d*) the measures to be taken for the training of persons to become Jockeys;

(*e*) the measures to be taken to encourage Indian bred horses and Indian Jockeys;

(*f*) the inclusion or association of such persons as the Government may nominate as Stewards or members in the conduct and management of horse-racing;

(*g*) the utilisation of the amount collected by the licensee in the conduct and management of horse-racing;

(*h*) such other matters connected with horse-racing and the maintenance of the race-course for which, in the opinion of the Government, it is necessary or expedient to make provision in the licence.

(4) The Government may, by such licence, authorise the licensee to grant, subject to such conditions as may be specified by the Government in such licence, a permit to any book-maker for such period not exceeding the period of the licence granted to the licensee as the licensee may think fit.

(5) The Government may, at any time, suspend, cancel, or modify any of the conditions specified in, any licence or permit.

(6) The grant, cancellation or modification of any licence shall be published in the *Mysore Gazette*.

Penalty for taking part in horse-race on unlicensed race-course.

5. Whoever takes part in any horse-race on any race-course for which no licence is granted or for which a licence granted in accordance with the provisions of section 4 is not in force, shall be punishable with fine which may extend to five hundred rupees.

Penalty for owner, etc., allowing racing on unlicensed race-course.

6. If any horse-race is held on any race-course for which a licence has not been granted or for which a licence granted is not in force, any person being the owner, lessee or occupier of such race-course, shall be punishable with fine which may extend to one thousand rupees.

Penalty for contravening conditions of licence.

7. (1) If any person to whom a licence has been granted contravenes any of the conditions subject to which such licence was granted, such person shall, without prejudice to any action that may be taken by the Government under sub-section (5) of section 4, be punishable with fine which may extend to one thousand rupees.

(2) If any person to whom a permit has been granted a licensee contravenes any of the conditions subject to ch such permit was granted, he shall, without

prejudice to any action that may be taken by the Government under sub-section (5) of section 4, be punishable with fine which may extend to one thousand rupees.

Saving of Orders.

8. The granting, refusing or cancellation of a licence and the conditions subject to which a licence or permit is granted shall be within the discretion of the Government and shall not be liable to be called in question in any court.

Cognizance of offences under the Act.

9. (1) No court inferior to that of a Magistrate of the First Class, shall try any offence under this Act and no person shall be prosecuted under this Act except with the previous sanction of the Government.

(2) All offences under this Act shall be compoundable.

Exemption.

10. The Government may, by general or special order published in the *Mysore Gazette*, exempt any horse-race from the operation of this Act.

Power to make rules.

11. (1) The Government may, by notification in the *Mysore Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(i) the form and manner in which applications for licences are to be made ;

(ii) the fees payable for such a licence ;

(iii) the period for which such licences are to be granted ;

(iv) the renewal, modification and cancellation of licences.

Amendment of Mysore Act V of 1908.

12. For paragraph (ii) of the exception to sub-clause (1) of clause (i) of section 4 of the Mysore Police Act, 1908, the following paragraph shall be substituted, namely :—

"(ii) in an enclosure which the licensee of the race-course on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Mysore Race-courses Licensing Act, 1951."

13. In section 32 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, for clause (*a*), the following clause shall be substituted, namely :— Amendment of Mysore Act XXVII of 1951.

"(*a*) a licensee or a person to whom a permit has been granted under section 4 of the Mysore Race-courses Licensing Act, 1951, or to any entries in respect of any stake or bet received by such licensee or person ; "

14. The Betting Tax Act, 1932, shall be amended in the manner specified in the Schedule to this Act. Amendment of Mysore Act IX of 1932.

SCHEDULE.

(*See section 14*).

Amendments to the Betting Tax Act, 1932 (IX of 1932).

1. In section 2,—

(*a*) after clause (2), the following clause shall be inserted, namely :—

"(2A) 'licensee' means a person for whom a licence has been granted for horse-racing on a race-course under section 4 of the Mysore Race-courses Licensing Act, 1951."

(*b*) In clause (3) for the words and figures commencing from "licence or permit" till the end of the clause, the following words and figures shall be substituted, namely :—

"permit granted by a licensee to enable him to carry on his business or vocation under the Mysore Race-courses Licensing Act, 1951, as specified in the permit ; "

(*c*) Clause (5) shall be omitted ;

(*d*) In clause (6), for the words and figures, "the stewards controlling a race meeting have set apart in accordance with the Mysore Police Act, 1908," the words and figures "the licensees have set apart in accordance with the provisions of the Mysore Race-courses Licensing Act, 1951" shall be substituted.

2. In section 3, the words and figures "as from the first day of February, 1933" shall be omitted and for the words "stewards of the race-meeting", the word "licensees" shall be substituted.

3. In sections 4, 5 and 8 for the words "stewards of a race-meeting", the word "licensees" shall be substituted.

4. In sub-section (1) of section 6, the words and figures "as from the first day of February, 1933", shall be omitted, and for the words and figures "under the provisions of the Mysore Police Act, 1908", the words and figures "by the licensee in accordance with the provisions of the Mysore Race-courses Licensing Act, 1951" shall be substituted.

5. In section 9—

(*a*) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The totalisator tax payable under section 3, shall be recoverable from the licensees as an arrear of land revenue."

(*b*) in sub-section (2), for the words "as a revenue demand", the words "as an arrear of land revenue" shall be substituted.

6. For section 11, the following section shall be substituted, namely :—

"11 (1) If any licensee or licensed book-maker evades or attempts to evade the collection or payment of the totalisator tax or betting tax, as the case may be, leviable and payable under this Act, or fails to maintain the accounts or supply any information which such licensee or book-maker is required to maintain or supply by or under this Act, or knowingly maintains false accounts or supplies false information, such licensee or book-maker shall be punishable with imprisonment which may extend to six months or with fine or with both.

(2) If any person contravenes or fails to comply with any of the provisions of this Act or of any rule made thereunder, and not otherwise provided for in sub-section (1), he shall be punishable with fine which may extend to five hundred rupees.

Explanation.—If the person contravening any of the provisions of this Act or of any rule made thereunder is a company or other body corporate, every director, manager, secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

nted by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.